

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

FINAL PRETRIAL CONFERENCE

Mayo Clinic,

Plaintiff,

v.

United States of America,

Defendant.

COURT MINUTES

BEFORE: Eric C. Tostrud

U.S. District Judge

Case No: 16-cv-3113 ECT/ECW

Date: April 22, 2022

Court Reporter: Tim Willette

Courthouse: St. Paul

Courtroom: 3B

Time Commenced: 9:00 a.m. – 10:19 a.m.

Time in Court: 1 Hour 19 Minutes

APPEARANCES:

Plaintiff: Mark Rotatori, Jacob Vandelist and Erin Sindberg Porter, Jones Day

Defendant: Curtis Weidler, Samuel Robins, and Eric Aberg, U.S. Department of Justice- Tax Division

PROCEEDINGS:

☒ Final Pretrial Conference held.

☒ The Motions were moved and argued. For reasons stated on the record,

- Dr. Farrugia and Plaintiff Mayo Clinic's Motion to Quash the Trial Subpoena was withdrawn and will be denied as moot. [ECF No. 252]
- Matthew Dacy and Plaintiff Mayo Clinic's Motion to Quash the Trial Subpoena for Mr. Dacy was withdrawn and will be denied as moot. [ECF No. 265]
- Defendant's Motion to Exclude Melvin Hurley as an Expert Witness is deferred. [ECF No. 261]
- Defendant's Motion in Limine to Exclude Evidence of IRS Procedures, Analyses, and Conclusions is deferred. [ECF No. 263]
- Defendant's Motion in Limine to Prevent Mayo from Offering the Testimony of an Undisclosed Records Custodian is deferred. [ECF No. 264]

☒ The Second Joint Stipulation Regarding Trial Exhibits is granted and those exhibits will be admitted en masse. [ECF No. 287] Order to follow.

☒ United States made a motion to admit additional exhibits. The motion was deferred.

☒ United States' objection to Mayo's Designation of Deposition Testimony of Mayo's Rule 30(b)(6) Designee Christie Lohkamp is deferred.

☒ Findings of Fact and Conclusions of Law will be due at a date to be determined after the conclusion of trial.

☒ A flash-drive of the admitted evidence will be due at the conclusion of trial.

☒ General conduct of trial.

☒ United States requested to invoke Fed. R. Evid. 615. The Parties shall sequester witnesses as provided for in the Rule.

☒ Cross-examination of witnesses may exceed the scope of the direct examination to avoid recalling witnesses that both Parties wish to call.

- ☑ United States argued that Dr. Noseworthy was not disclosed in the 26(a)(1) disclosures and objects pursuant to Fed. R. Civ. P. 37(c) to Mayo calling him as a witness in its case in chief. Judge ruled that Dr. Noseworthy can testify, and the parties shall give the court 24-hours notice to make a ruling on which side will examine Dr. Noseworthy first.
- ☑ United States requested copies of demonstratives prior to trial. Mayo agreed to share their demonstratives prior to the start of trial.

s/ R. Morton
Courtroom Deputy